

Substitution for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	1
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**Complete If Known**

Application Number	10/623.034
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<b>Filing Date</b>	7/18/03
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First Named Inventor	Fogel
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Art Unit	2673
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Examiner Name	Unknown
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Attorney Docket Number	Digenetics-001
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## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
JMR		FOGEL, DAVID, declaration, August 4, 2004, 4 pages plus Exhibits A, B, C, D, E, F, G, H.	
JMR		"Evolutionary Checkers starring Blondie 24: Checkers with an Attitude!", product brochure, December 20, 2001, 1 page, Digenetics, San Diego, (Exhibit A of Fogel Declaration).	
JMR		"Digital Strip Poker", screen shot, 1999, 1 page, Slickrock Software (www.slickrocksoftware.com), (Exhibit B of Fogel Declaration).	
JMR		"Digital Strip Poker", screen shot, 1999, 1 page, Slickrock Software (www.slickrocksoftware.com), (Exhibit C of Fogel Declaration).	
JMR		"Virtual Sex with Nikki Tyler", DVD Cover (front and back), 1999, 1 page, Digital Playground, Chatsworth, (Exhibit D of Fogel Declaration).	
JMR		"Virtual Sex with Nikki Tyler", 1999, page from instruction guide, Digital Playground, Chatsworth, (Exhibit E of Fogel Declaration).	
JMR		"Virtual Sex with Nikki Tyler", 1999, page from instruction guide, Digital Playground, Chatsworth, (Exhibit F of Fogel Declaration).	
JMR		"My Plaything" (Sylvia Saint), screen shot, 1 page, Digital Sin, Chatsworth (www.digitalsindvd.com), (Exhibit G of Fogel Declaration).	
JMR		"My Plaything" (Sylvia Saint), screen shot, 1 page, Digital Sin, Chatsworth (www.digitalsindvd.com), (Exhibit H of Fogel Declaration).	

Examiner Signature	<i>Jason M. Refko</i>	Date Considered	<i>2/21/2005</i>
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\*EXAMINER: Initial If reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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